

REMARKS

In the Office Action mailed March 24, 2009 the Office noted that claims 1-18 were pending and rejected claims 1-18. Claims 1, 14, 15 and 17 have been amended, no claims have been canceled, claims 19 and 20 are new, and, thus, in view of the foregoing claims 1-20 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections and objections are traversed below.

REJECTIONS under 35 U.S.C. § 112

Claims 2 and 14-17 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

In particular, the ranges of values do not relate to the prior limitation of said values. The Applicants have amended the claims to overcome the rejection.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claims 1-18 stand rejected under 35 U.S.C. § 103(a) as being obvious over Dronzek, WO 93/09925 in view of Hakansson, U.S. Patent Publication No. 2002/0139707 in further view of Sloan, U.S. Patent No. 5,850,940. The Applicants respectfully

disagree and traverse the rejection with an argument.

Dronzek discusses rolls suitable for printing and forming at high rates of production of blown or injection in-mold labeled plastic container.

Hakansson discusses a dispenser for keeping and dispensing earplugs.

Sloan discusses a container shaped with an animal head that can dispense a first product and a second product.

On page 5 of the 5 it is acknowledged that Droznec and Hakansson do not explicitly disclose "[a] thin-walled squeezable plastic tube," as in claim 1. But, it is asserted that Sloan, col. 5, lines 36-48 and col. 10, lines 55-56 discloses such a feature.

It is respectfully submit that all these references can be combined in the manner asserted by the Office. Fig. 5 illustrates a rather complex structure that comprises a label (col. 10, line 55 - 56). However, it is impossible to make the complex structure in figure 5 as an injection moulded, thin walled article which is squeezable. The injection moulding of thin walled articles may be possible for very simple structures like a tube or might also work for a rectangular shaped box but it is not possible to injection mould such detailed structures as the pig in figure 5 having a thin walled mould since the material would not flow through the thin passages so as to fill the mould. The fact that Sloan "contemplates" (col. 5, line 45) a container

that is hand squeezable does not mean that Sloan was in possession of such a container at the time of the present invention. Prior to the preset invention such a structure had not been produced.

Further, the structure of Sloan Fig. 5, is not a tube.

Thus, the pig described in figure 5, comprising a label, could not be made as a thin walled, injection moulded article.

Further, item 14, states the skilled person would use the in mould labelling technique for applying the label to the container. However, Sloan does not suggest any particular way of applying the label and this it would not be obvious to use an in mould labelling technique as in Sloan. At the date of the invention there were several flexible tubes provided with labels available, e.g toothpaste tubes, which were made with the injection mould technique. However, none of these tubes were neither using an in mould labelling technique since it was not known how to manage to perform an in mould labelling of a flexible tube intended to be squeezed while the label was preserved. Thus, in mould labelling for flexible tubes has not been suggested or used before the invention was made due to the difficulties in manage with the technique for this specific product.

For at least the reasons discussed above, Droznek, Hakansson and Sloan, taken alone or in combination, fail to

render obvious the features of claim 1 and the claims dependent therefrom.

Withdrawal of the rejections is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 112 and 103. It is also submitted that claims 1-18 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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